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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 12 - 0808 DLJ
)	
Plaintiff,)	
)	STIPULATION AND [] ORDER
v.)	
)	
RESAT OTUS NURI,)	
aka Otus Resat Nuri,)	
aka Resat Nuri Otus,)	
aka Nuri Resat Otus,)	
aka Resat,)	
aka Otus,)	
aka Nuri,)	
)	
Defendant.)	

WHEREAS, the parties were scheduled for a status hearing before this Court on
May 23, 2013, which was then continued by the Court to May 30, 2013;

WHEREAS, defense counsel is continuing to review documents and data in connection
with evaluating and analyzing this matter and government is in the process of responding to
additional discovery issues raised by the defendant and have discussions regarding a resolution
of this matter short of trial;

1 WHEREAS, in light of the foregoing, counsel for the parties jointly agree and stipulate
2 that a continuance of this matter is appropriate in order to ensure effective preparation of counsel
3 and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7), and that based on their respective
4 calendars and the period needed for the aforementioned discovery matters, an appropriate date
5 for a status hearing is Thursday, August 1, 2013;

6 THEREFORE, the parties mutually and jointly stipulate that the matter be continued until
7 May 23, 2013, and further jointly stipulate and agree that time should be excluded from May 23,
8 2013, up to and including August 1, 2013. The parties agree that excluding time until August 1,
9 2013, is necessary, given the need to maintain continuity of counsel. The parties also agree that
10 failing to grant a continuance would deny counsel for the defense the reasonable time necessary
11 for effective preparation and continuity of counsel, taking into account the exercise of due
12 diligence. See 18 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice served
13 by excluding time from May 23, 2013, until August 1, 2013, outweigh the best interest of the
14 public and the defendant in a speedy trial. Id. § 3161(h)(7).

15 **IT IS SO STIPULATED.**

16 MELINDA HAAG
17 United States Attorney

18
19 DATED: May 24, 2013

20 /s/
TIMOTHY J. LUCEY
Assistant United States Attorney

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22
23 DATED: May 24, 2013

24 /s/
JONATHAN D. MCDUGALL
Attorney for RESAT OTUS NURI

25
26 **ORDER**

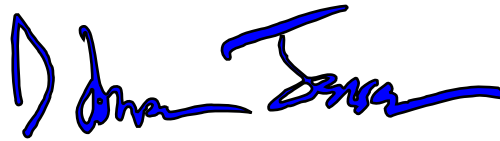
27 For good cause shown, the Court enters this order excluding time from May 23, 2013, up
28 to and including August 1, 2013. Specifically, the parties agree, and the Court finds and holds

1 that such that time should be excluded until August 1, 2013, and furthermore that failing to grant
2 a continuance and exclude time until August 1, 2013, would unreasonably deny the defendant
3 effective preparation of counsel and continuity of counsel, taking into account the exercise of
4 due diligence. See 18 U.S.C. § 3161(h)(7).

5 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
6 excluding time from May 23, 2013, through August 1, 2013, outweigh the best interest of the
7 public and the defendant in a speedy trial. Id. § 3161(h)(7).

8 **IT IS SO ORDERED.**

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11 **DATED: 10/25/13**



12 **HON. D. LOWELL JENSEN**
13 **United States District Court**